

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner, a state prisoner, appearing through counsel, filed a Petition for Habeas Corpus relief pursuant to 28 U.S.C. § 2254 challenging his state court sentence on various grounds. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), the case was referred to United States Magistrate Judge Gary M. Purcell. Judge Purcell entered a Supplemental Report and Recommendation (“R&R”) on January 10, 2012, recommending denial of the Petition.

In his R&R, Judge Purcell found that Petitioner had failed to raise any claim entitling him to relief. The substantive facts and law are accurately set out in Judge Purcell’s R&R and there is no purpose to be served in repeating them yet again. In his Objection, Petitioner ignores the deferential standard and fails to demonstrate that the matters he challenges in this habeas action were decided in a manner that was contrary to or an unreasonable application of Supreme Court law. Rather, Petitioner merely argues in a conclusory fashion that the reasoning of the Oklahoma Court of Criminal Appeals (“OCCA”) violates the Constitution. After consideration, the Court disagrees. The OCCA’s rationale and reasoning accurately

accounts for any and all constitutional issues surrounding a plea agreement to obtain a specific sentence.

As set forth more fully herein, the Court adopts, in full, the Report and Recommendation of the Magistrate Judge (Dkt. No. 24), and the Petition for Writ of Habeas Corpus is denied. Petitioner did not make a request for an evidentiary hearing in his Objection and the Court finds one is not warranted. A separate judgment will issue.

IT IS SO ORDERED this 28th day of February, 2012.



ROBIN J. CAUTHRON
United States District Judge